P.R. No. 155666
Present: ASHOK KODHIA
dated 23/3/06

(1)
(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. NO. 1506 /2006

Single Bench

PETITIONER : Ramawatar Dhruv, Aged about 36 years, S/o. Shri A.R. Dhruv, R/o. 36/92, Civil Lines, Durg, District Durg (CG)

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Home Police Deptt, D.K.S. Bhawan, Bilaspur (CG)

2] Inspector General of Police, Raipur Range, District Raipur (CG)

3] Superintendent of Police, Durg, District Durg (CG)

4] Director General of Police, Police Head Quarter, Raipur, District Raipur (CG)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 1506/06

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	6-4-2006 Shri Manoj Paranjape, counsel for the petitioner. Shri Pramod Verma, Addl. Advocate General with Shri A.S. Kachhawaha, Govt. Advocate for the State. Heard. This petition under Article 226/227 of the Constitution of India has been filed by the petitioner against the order dated 12-3-2006 (Annexure-P/6) and petitioner's name appeared at S.No.8 whereby he has been transferred from Bhilai Nagar to Bastar Range. The petitioner submitted that the transfer order is issued against the policy Annexure-P/5, which is prevalent on that date and according to the petitioner's contention he had already served in the naxalite area i.e. Dantewada for the period from 15-7-2001 to 8-9-2003 as per Annexure-P/2. Thereafter he further served at Bijapur, Dantewada for the period from 27-6-2005 to 16-8-2005 (Annexure-P/4). According to clause 3 of the transfer policy Annexure-P/5 no police personnel can be transferred from the District without completing three years of service and from the Range without completing five years of service unless there is any complaint. It is submitted that the wife of the petitioner is also working in Police Department and she is in a family way. Learned counsel submits that the petitioner has made a representation before the authorities, but the same has not been decided till date.	

(67)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 1506/2006 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Return has been filed by the respondents alongwith the documents. Annexure-R/2 is the new transfer policy framed on 1-4-2006. State counsel submits that the transfer is an exigency of service and the petitioner's transfer has been made under the peculiar circumstances faced by the State. He however, submits that the petitioner may make a detailed representation afresh raising his grounds within seven days which will be considered and decided expeditiously.

Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation afresh raising his grievances before the competent authority of respondents alongwith a copy of the petition and this order within a period of 7 days, from today, and on such representation being filed, the competent authority of the respondents shall decide the same on its own merits in accordance with law as early as possible preferably within a period of 4 weeks from the date of receipt of representation. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including petition.

At this stage, learned counsel for the petitioner apprehends that punitive or coercive steps may be taken against the petitioner.

It is made clear that no punitive or coercive steps be taken against the petitioner till the representation is decided.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Patel

SP/FS/2005 - 20,000

17.4.06